

OFFICIAL COPY

Fresno, California

June 7, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Council President
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager
 Hilda Cantu Montoy, City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

President Dages gave the invocation and led the Pledge of Allegiance.

PRESENTATION OF SPCA PET OF THE MONTH - COUNCILMEMBER DUNCAN

The pet of the month, a domestic longhair male kitten, was showcased.

RECOGNITION OF DISTRICT 1 VALEDICTORIANS - COUNCILMEMBER BOYAJIAN

Recognized.

RESOLUTION OF COMMENDATION TO FLEET MANAGEMENT DIVISION FOR RECEIVING THE BLUE SEAL OF EXCELLENCE AWARD

Read and presented.

PROCLAMATION OF POVERELLO HOUSE DAY - COUNCILMEMBER STERLING

Read and presented.

PRESENTATION TO THE BULLARD CAL RIPKIN LEAGUE 2005 "AA" DIVISION CHAMPION RED SOX FOR A PERFECT SEASON - COUNCILMEMBER CALHOUN

Presentation made.

RESOLUTION OF COMMENDATION TO POLICE OFFICERS CARLOS GAMBOA AND MICKEY SMITH - COUNCILMEMBER WESTERLUND

Read and presented **(2 - 0)**.

APPROVE MINUTES OF MAY 17 & 19, 2005:

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of May 17 & 19, 2005, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

REQUEST CITY ATTORNEY SCHEDULE IN CLOSED SESSION EXPLORATION OF POSSIBLE LEGAL ACTION AGAINST A DEVELOPER RELATED TO THE DELAY IN THE COMPLETION OF COPPER ROAD AT FRIANT - COUNCILMEMBER DUNCAN

Request made with Councilmember Duncan noting the road should have been completed a year ago, he had a strong suspicion some serious sandbagging was going on, and stated traffic on Willow had increased and numerous accidents were occurring weekly which could be prevented if Copper Road was completed.

CONGRATULATIONS TO FAMILY MEMBERS - COUNCILMEMBER PEREA

Councilmember Perea congratulated his younger sister on her graduation from Bullard High School and his Mother, Maria Trevino, on being sworn in as President of the California Women's Peace Officers' Association in Sacramento stating he was very proud of them.

COMMENDATION TO COUNCILMEMBER WESTERLUND, CITY MANAGER SOUZA AND ALL THE PLAYERS WHO PARTICIPATED IN THE COUNCIL-MEDIA SOFTBALL TOURNAMENT ON THEIR SIX WINS - COUNCILMEMBER BOYAJIAN

Commendation made with Councilmembers Sterling and Westerlund subsequently extending congratulations to the team and speaking briefly to the event.

BEST WISHES EXTENDED TO DAN O'BRIEN, CITIZENS ON PATROL VOLUNTEER, ON HIS ILLNESS AND SCHEDULED SURGERY THIS DATE - COUNCILMEMBER BOYAJIAN

Extended.

(1) INVITATION TO ATTEND THE JUNETEENTH CELEBRATION AT THE HINTON CENTER ON JUNE 18, 2005; AND (2) REQUEST TO BE KEPT INFORMED ON THE ON-GOING HINTON CENTER PERSONNEL INVESTIGATION - COUNCILMEMBER STERLING

Invitation extended and request made.

RECOGNITION OF THE 61ST ANNIVERSARY OF D-DAY - COUNCILMEMBER WESTERLUND

Councilmember Westerlund extended his appreciation to "the greatest generation" and thanked them for what they did on that day.

WARNING OF TELEPHONE SCAM - PRESIDENT DAGES

President Dages advised of a call made to his sister wherein the caller identified himself as a phone company employee conducting a test and asked his sister to dial 9-0-#, and asked citizens to be aware that by dialing those digits the caller is given free access to make long distance calls and added most of these calls were coming from jails and prisons.

CABLE BROADCAST OF CITY COUNCIL MEETINGS - PRESIDENT DAGES

President Dages stated he has received calls from citizens who cannot watch the city council meeting broadcast during the day (on Channel 96) and who are disappointed that Channel 14 no longer broadcasts them in the evening, with City Manager Souza speaking briefly to the contract and advising Comcast was in the process of re-broadcasting the meetings at night.

BUDGET HEARING DATES - COUNCILMEMBER DAGES

President Dages asked Council to keep in mind additional budget dates may have to be added (either the 16th, 21st, 22nd or 23rd) and that might be determined Thursday depending on how the schedule goes that day.

- - - -

APPROVE AGENDA:

145-195

6/7/05

(2:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

(B) REQUEST FOR UPDATE FROM THE RDA COMMITTEE ON APPOINTMENT OF THE EXECUTIVE DIRECTOR - COUNCILMEMBER CALHOUN

Councilmember Westerlund stated he wanted to table the matter one week and added since it was a personnel matter he wanted it scheduled under closed session, and stated he would be happy to meet with Councilmember Calhoun and further brief him on the matter.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above Agency item

"B" tabled one week to June 14, 2005, to closed session, by the following vote:

Ayes	:	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	Calhoun
Absent	:	None

Councilmember Calhoun spoke to the matter under "*UNSCHEDULED COMMUNICATION*".

(1-L) AWARD A CONTRACT IN THE AMOUNT OF \$3,078,841 TO INSITUFORM TECHNOLOGIES, INC. TO CONSTRUCT CURED-IN-PLACE PIPE (CIPP) LINER IN THIRD STREET AND BLACKSTONE, CALIFORNIA, CHURCH, CLOVIS, ELM AND SHIELDS AVENUES

City Clerk Klisch advised the matter was subject to the Mayor's veto and should have been asterisked on the agenda. So noted.

(1-CC) APPROVE A HOME PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT FOR \$750,000 WITH THE CENTRAL COMMUNITY DEVELOPMENT CENTER (CCDC), AND AUTHORIZE THE CITY ATTORNEY TO NEGOTIATE AND FINALIZE THE AGREEMENT FOR THE AFFORDABLE RENTAL HOUSING PROJECT FOR DISABLED PERSONS

City Clerk Klisch corrected the title to read: "*Authorize staff to negotiate and enter into a HOME Program agreement...etc., subject to prior approval as to form by the city attorney's office*". So noted and corrected.

(9:30 A.M.) DISCUSSION REGARDING REQUEST FROM KMJ RADIO TO PLACE ADVERTISING BANNERS ON CITY STREET LIGHTS

Removed from the agenda. City Manager Souza stated additional information and opportunities were being sought and the matter would be back in one week.

(2:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE MINUTES

(A) CONTINUED HEARING ON FIVE YEAR IMPLEMENTATION PLAN FOR THE MERGER 1, MERGER 2 AND FRESNO AIR TERMINAL REDEVELOPMENT PROJECT AREAS

To be heard at 4:30 p.m.

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke to the volume of consent calendar items and stated they should be discussed openly; spoke in support of Item **1-G**; spoke to Item **1-E** and issues related to the airport; and spoke in support of Item **1-U**.

145-196

6/7/05

City Manager Souza pulled Item **1-G**, Councilmember Calhoun pulled Item **1-G**, and Councilmember Boyajian pulled Item **1-BB** for discussion at 2:00 p.m.

(1-A) APPROVE FIVE-YEAR EXTENSIONS OF THE CITY'S AIRPORT OPERATING AGREEMENTS WITH SIGNATORY AIRLINES ALLEGiant AIR, LLC, AMERICAN EAGLE AIRLINES, INC., HORIZON AIR INDUSTRIES, INC., MESA AIR GROUP, INC., AND SKYWEST AIRLINES, INC. FOR OPERATING PASSENGER AIRLINE SERVICE AT FYI AND OCCUPYING AND/OR USING SPACE IN AND ABOUT THE PASSENGER TERMINAL

(1-B) APPROVE AMENDMENT NO. 3 TO THE CURRENT CARGO BUILDING LEASE AND AGREEMENT WITH THE HERTZ CORPORATION, FOR AN ADDITIONAL LEASE TERM OF 60 MONTHS BEGINNING JULY 1, 2005, AND AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

(1-C) APPROVE AMENDMENT NO. 3 TO THE CURRENT CARGO BUILDING LEASE AND AGREEMENT WITH NATIONAL CAR RENTAL SYSTEM, INC., FOR AN ADDITIONAL LEASE TERM OF 60 MONTHS BEGINNING JULY 1, 2005, AND AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

(1-D) APPROVE AMENDMENT NO. 1 IN THE AMOUNT OF \$149,791 TO THE AGREEMENT WITH DALE RUTHERFORD, AIA, FOR CONSULTANT SERVICES TO DESIGN, MONITOR AND PROVIDE PROJECT ADMINISTRATION FOR ACOUSTIC TREATMENT OF APPROXIMATELY 40 RESIDENTIAL HOMES FOR THE FYI FAR PART 150 NOISE COMPATIBILITY (SMART) PROGRAM UNDER AIRPORT IMPROVEMENT GRANT 3-06-0087-47; AND AUTHORIZE THE DIRECTOR OF AVIATION TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

(1-E) APPROVE AMENDMENT NO. 2 IN THE AMOUNT OF \$890,639 TO THE PROFESSIONAL SERVICES CONSULTING AGREEMENT WITH CSHQA FOR THE DESIGN OF THE NEXT PHASE OF TERMINAL IMPROVEMENTS AT FYI UNDER FAA AIP GRANTS; AND AUTHORIZE THE DIRECTOR OF AVIATION TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

(1-F) APPROVE AMENDMENT NO. 1 IN THE AMOUNT OF \$200,000 TO THE PROFESSIONAL SERVICES CONSULTING AGREEMENT WITH CARTER BURGESS, INC., FOR REHABILITATION/RECONSTRUCTION OF VARIOUS TAXIWAYS AT FYI UNDER FAA AIP GRANTS; AND AUTHORIZE THE DIRECTOR OF AVIATION TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

(1-H) RESOLUTION NO. 2005-185 - APPROVING THE FINAL MAP OF TRACT NO. 53214 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, SOUTH SIDE OF W. MCKINLEY EAST OF N. CORNELIA AVENUE IN COUNCIL DISTRICT 3

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE
2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING FOR SPECIAL SOLID WASTE SERVICE
3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS ACKNOWLEDGING RIGHT-TO-FARM LAW

(1-I) RESOLUTION NO. 2005-186 - APPROVING THE FINAL MAP OF TRACT 5284 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHEAST CORNER OF W. MCKINLEY AND N. POLK AVENUES IN COUNCIL DISTRICT 3

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE
2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS
3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF

CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ACKNOWLEDGING RIGHT-TO-FARM LAW

4. RESOLUTION NO. 2005-187 - 89TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$68,300 TO FUND RIGHT OF WAY ACQUISITION IN UGM TRACT 5284 ALONG W. MCKINLEY AND N. POLK AVENUES

145-197

6/7/05

(1-J) RESOLUTION NO. 2005-188 - 86TH AMENDMENT TO AAR APPROPRIATING \$22,100 IN CAPITAL IMPROVEMENT FUNDS FOR THE INSTALLATION OF A NEW POTABLE WATER SYSTEM AT CAMP FRESNO

(1-K) AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$1,286,802.81 TO TRIANGLE ROCK PRODUCTS, INC. FOR PORTLAND CEMENT

(1-L) AWARD A CONTRACT IN THE AMOUNT OF \$3,078,841 TO INSITUFORM TECHNOLOGIES, INC. TO CONSTRUCT CURED-IN-PLACE PIPE (CIPP) LINER IN THIRD STREET AND BLACKSTONE, CALIFORNIA, CHURCH, CLOVIS, ELM AND SHIELDS AVENUES

(1-M) AWARD A ONE YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO AMERICAN AVK COMPANY IN THE AMOUNT OF \$62,502.23 TO PROVIDE 5 1/4" FIRE HYDRANTS AND HYDRANT BURYS

(1-N) AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION IN THE AMOUNT OF \$132,300 TO CONSTRUCT WATER WELL SITE IMPROVEMENTS AT PUMP STATION 46A

(1-O) AWARD A CONTRACT IN THE AMOUNT OF \$307,718 TO STEVE DOVALI CONSTRUCTION FOR INSTALLATION OF A 16" WATER MAIN IN GRANTLAND AVENUE AND PARKWAY DRIVE FROM BULLARD TO HERNDON AVENUES, BASE BID AND ADD ALTERNATE 1

(1-P) AWARD A CONTRACT IN THE AMOUNT OF \$2,238,438 TO SPINIELLO COMPANIES TO CONSTRUCT CURED IN PLACE PIPE (CIPP) LINER FOR HERNDON AVENUE INTERCEPTOR CAPACITY ENHANCEMENTS, PHASE 2

(1-Q) AWARD A CONTRACT IN THE AMOUNT OF \$707,105 TO KELLY C. BROYLES CONSTRUCTION FOR INSTALLATION OF 8" WATER MAINS IN CORNELL, MICHIGAN, PRINCETON, BROWN, HARVARD AND TERRACE AVENUES, BASE BID AND ADD ALTERNATE 1

(1-R) AWARD A ONE YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR A ONE YEAR EXTENSION TO WHITING SYSTEMS IN THE AMOUNT OF \$175,312.22 TO INSTALL A ROLL-OVER COMBINATION VEHICLE WASHER FOR FRESNO AREA EXPRESS (FAX)

(1-S) REJECT THE TWO BIDS RECEIVED FOR THE FYI AIRPORT TAXIWAY RECONSTRUCTION PROJECT BECAUSE THEY SUBSTANTIALLY EXCEED THE ENGINEERS ESTIMATE, AND DIRECT STAFF TO REVISE THE SPECIFICATIONS AND REBID THE PROJECT

(1-T) AWARD A CONTRACT TO JOHN GORSKY CONSTRUCTION COMPANY IN THE AMOUNT OF \$262,918, BASE BID AND ADD ALTERNATE NO. 1, FOR VAN NESS AVENUE INSTALLATION OF AN 8" WATER MAIN BETWEEN GETTYSBURG AND ASHLAN AVENUES (REBID)

(1-U) RESOLUTION NO. 2005-189 - CONTINUING TO PROVIDE THE SALARY DIFFERENTIAL BENEFIT AND THE CITY'S PORTION OF THE EMPLOYEES' HEALTH AND WELFARE CONTRIBUTION FOR PERMANENT CITY EMPLOYEES WHO HAVE BEEN CALLED TO ACTIVE DUTY AS A RESULT OF THE ONGOING MIDDLE EASTERN CONFLICT

(1-V) RESOLUTION NO. 2005-190 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR WATER PUMP STATION PURPOSES

(1-X) RESOLUTION NO. 2005-191 - APPROVING A RELINQUISHMENT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR OLD STATE ROUTE 41 FROM FRIANT ROAD TO THE FRESNO/MADERA COUNTY LINE, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-Y) RESOLUTION NO. 2005-192 - APPROVING A FREEWAY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR FREEWAY 180 FROM MARKS AVENUE TO 0.1 MILE WEST OF FREEWAY 99, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-Z) APPROVE RESOLUTION OF INTENTION NO. 1041-D SETTING A PUBLIC HEARING FOR JUNE 28, 2005, FOR THE VACATION OF A PORTION OF THE MARIPOSA-"U" ALLEY NORTH OF DIVISADERO STREET

145-198

6/7/05

(1-AA) APPROVE THE ACQUISITION OF A STREET EASEMENT FROM APN 481-050-05 OWNED BY VALLEY LAND DEVELOPMENT, LLC, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY, OTHER RELATED DOCUMENTS AS NECESSARY, AND ACCEPT THE DEED OF EASEMENT FOR PUBLIC STREET PURPOSES FROM PROPERTY LOCATED AT THE NORTHEAST CORNER OF JENSEN AND PEACH AVENUES

(1-CC) *AUTHORIZE STAFF TO NEGOTIATE AND ENTER INTO A HOME PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT FOR \$750,000 WITH THE CENTRAL COMMUNITY DEVELOPMENT CENTER (CCDC), AND AUTHORIZE THE CITY ATTORNEY TO NEGOTIATE AND FINALIZE THE AGREEMENT FOR THE AFFORDABLE RENTAL HOUSING PROJECT FOR DISABLED PERSONS, SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE*

(1-DD) RESOLUTION NO. 2005-193 - REQUESTING THE HOUSING APPROPRIATIONS SUBCOMMITTEE ON HOMELAND SECURITY RESTORE THE \$50 MILLION IN FUNDING FOR THE CONTINUATION OF THE METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM (MMRS) FOR FY 2006

(1-EE) APPROVE CONTRACT CHANGE ORDER NO. 9 IN THE AMOUNT OF \$319,673 WITH MCCARTHY BUILDERS, INC., TO PERFORM WORK NECESSARY TO ADJUST THE ENTRANCE RAMPS OF THE CONVENTION CENTER PARKING STRUCTURE TO COMPLY WITH THE BUILDING CODE AND AMERICAN'S WITH DISABILITIES ACT (ADA)

(1-FF) APPROVE A CONSTRUCTION AND DEMOLITION DIVERSION ORDINANCE (FOR DIVERSION OF RECYCLABLE MATERIAL AS MANDATED BY AB 939)

1. BILL NO. B-50 - BILL FOR INTRODUCTION ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO SOLID WASTE

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(3-A) DIRECT STAFF TO WORK WITH THE COUNTY OF FRESNO TO REMOVE THE TRUCK ROUTE DESIGNATION FOR FOWLER AVENUE BETWEEN FREEWAY 180 AND JENSEN AVENUE (RESULTING FROM DIRECTION GIVEN DURING CONSIDERATION OF FANCHER CREEK PROJECT) - PRESIDENT DAGES

Removed from the agenda by President Dages who stated the matter was currently being taken care of.

(3-B) CONSIDER APPROVAL OF A COUNCIL OVERRIDE VOTE OF ORDINANCE NO. 2005-44, AMENDING THE FRESNO MUNICIPAL CODE RELATING TO PERMISSIBLE GAMES IN A CARD ROOM, VETOED BY MAYOR AUTRY ON MAY 16, 2005 - COUNCILMEMBER STERLING

Councilmember Sterling submitted written material to Council, advised Club One has had to come to Council approximately five times in the past 10 years to add games or change the format for one of their games, spoke to the current process and to the subject ordinance that was adopted May 3rd, and explained her position on the matter and her reasons for wanting to override the Mayor's veto, and made a motion to override.

Barbara Hunt, 2475 S. Walnut, spoke in support of the Mayor's veto.

Councilmember Calhoun stated his support for the Mayor's veto stating the Mayor did a good job presenting the facts, this was not a life or death matter, there were times when the City needed to do whatever it could to keep control within the city, particularly with something like gambling, and he had no problem taking the time to review card games as that was a reasonable expectation of elected leaders.

City Manager Souza clarified issues stating this ordinance would increase the amount of gambling that takes place, the previous methodology allows for the police chief to weigh-in prior to a game being approved the State -- not after, and the Mayor's goal was to maintain as much control over gaming as possible due to the adverse impacts of gaming in communities.

145-199

6/7/05

Councilmember Duncan stated he was perplexed with the veto stating this ordinance gives the Mayor more direct control over whether or not a game is added as the police chief could choose to not allow a game and there was no appeal, and concurred with Councilmember Sterling that this would streamline the process and give the Mayor a stronger ability to address his concerns and seconded the motion on the floor.

Councilmember Perea stated he would support the veto as he could not support expansion of gambling without Council oversight and added he felt the current process was working. Councilmember Boyajian advised he did not support the ordinance originally because he felt Council should have the authority instead of the police chief but clarified he did not support the Mayor's veto either, and stated the ordinance should be amended to give the City Council the final authority.

Councilmember Sterling spoke briefly to the letter from Club One Casino Manager Jeremy Neuman and recommended the matter be tabled one week so Club One could be present and provide their input.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above matter tabled to June 14, 2005, at 9:45 a.m. for the presence and input of Club One, by the following vote:

Ayes :	Boyajian, Duncan, Sterling, Westerlund, Dages
Noes :	Calhoun, Perea
Absent :	None

(3-C) REQUEST STAFF TO RETURN BY AUGUST 16, 2005, WITH ACTION ITEMS REGARDING THE ADJUSTMENT OF DEVELOPMENT IMPACT FEES - COUNCILMEMBER CALHOUN

Review by Councilmember Calhoun who read his memo as presented to Council into the record **(3 - 0)**, and stated this was an appropriate action to take and made a motion to direct staff as outlined above, which motion was seconded and after upon after discussion.

Barbara Hunt, 2475 S. Walnut, spoke in support of the motion.

City Manager Souza asked for flexibility stating he did not mind holding that date but clarified in the event some of the remaining studies can not be completed some or all of the fees may have to be considered on another date.

Councilmember Westerlund stated he has also been concerned about the numerous developments that have come forward with the lower fee levels, stated his support for keeping the deadline, and added he wanted to see this done in a comprehensive fashion versus piecemeal. Upon question of Councilmember Duncan, Mr. Souza stated the comment made that "nothing has been done since 1989" was not a true statement, it was unfair, there had been fee increases recently, and clarified the concern shared by everyone was that this was not completely done. President Dages also stated his support for the motion, noted his district has had 2008 home permits under the old system and this "drives him nuts" as the City was losing so much money, and added the BIA/development industry was willing to pay and elaborated. Brief discussion ensued with Councilmember Westerlund stating it was fair to say there had not been a comprehensive review/global restructuring of fees with Mr. Souza disagreeing and explaining.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, staff to return by August 16, 2005, with action items regarding the adjustment of development impact fees, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
--------	---

Noes : None
Absent : None

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

APPEARANCE BY BARBARA HUNT REGARDING THE EDISON COMMUNITY PLAN, DUPLICATION OF EFFORTS, SUPPORT FOR THE MAYOR'S POSITION ON IMMIGRATION, AND CONFLICT OF INTEREST/ILLEGALITY OF CITY COUNCIL ACTING AS THE REDEVELOPMENT AGENCY

Appearance made.

145-200

6/7/05

EARLIER ACTION TAKEN ON AGENCY ITEM "B", *"REQUEST UPDATE FORM RDA COMMITTEE ON THE APPOINTMENT OF THE RDA DIRECTOR* - COUNCILMEMBER CALHOUN

Noting Council's earlier action tabling the matter one week under closed session, Councilmember Calhoun questioned why the matter was going back into closed session when it was discussed and finalized in closed session and a public announcement was made, and added this was now a public matter and no longer a personnel issue. City Attorney Montoy explained the situation stating issues arose that impacted the finalization and advised she would look into the matter and determine if it was permissible to be heard in closed session next week.

RECESS - 10:26 A.M. - 10:34 A.M.

(10:00 A.M. #1) CONSIDER ACQUISITION OF A TIME AND ACTIVITY SOFTWARE AND BUSINESS INTELLIGENCE/ ANALYTICS SOFTWARE

1. AUTHORIZE THE CHIEF INFORMATION OFFICER (CIO) TO NEGOTIATE AND EXECUTE A CONTRACT AND ANY NECESSARY RELATED DOCUMENTS FOR KRONOS WORKFORCE CENTRAL SOFTWARE LICENSES AND RELATED IMPLEMENTATION SERVICES AND 3 YEARS OF ONGOING SUPPORT AND MAINTENANCE, SUBJECT TO APPROPRIATION OF FUNDS
2. AUTHORIZE THE CIO TO NEGOTIATE AND EXECUTE A CONTRACT AND ANY NECESSARY RELATED DOCUMENTS FOR COGNOS METRICS MANAGER SOFTWARE LICENSES AND RELATED IMPLEMENTATION SERVICES AND 3 YEARS OF ONGOING SUPPORT AND MAINTENANCE, SUBJECT TO APPROPRIATION OF FUNDS
3. APPROVE THE ACQUISITION OF NECESSARY ADDITIONAL HARDWARE FROM GOVSTOR, IMMIX TECHNOLOGIES AND ORACLE, SUBJECT TO APPROPRIATION OF FUNDS
4. AUTHORIZE THE CITY CONTROLLER TO SELECT, NEGOTIATE AND ENTER INTO A FINANCING AGREEMENT WITH A FIRM FOR LEASING SERVICES TO ARRANGE THE LEASE ACQUISITION OF KRONOS WORKFORCE CENTRAL SOFTWARE AND COGNOS METRICS MANAGER SOFTWARE AND RESPECTIVE RELATED IMPLEMENTATION SERVICES, SUPPORT AND MAINTENANCE CONTRACTS AND HARDWARE FOR AN AMOUNT NOT TO EXCEED \$1,555,000, SUBJECT TO APPROPRIATION OF FUNDS
5. AUTHORIZE THE CIO TO NEGOTIATE AND ENTER INTO A TERMINATION RIGHTS AGREEMENT WITH IMMIX TECHNOLOGY AND/OR KRONOS, INC., IF REQUIRED, UNDER A FINANCING AGREEMENT WITH THE CITY'S LENDER FOR LEASE ACQUISITION OF KRONOS WORKFORCE CENTRAL SOFTWARE LICENSES
6. AUTHORIZE THE CIO TO NEGOTIATE AND ENTER INTO A TERMINATION RIGHTS AGREEMENT WITH COGNOS CORPORATION, IF REQUIRED, UNDER A FINANCING AGREEMENT WITH THE CITY'S LENDER FOR LEASE ACQUISITION OF COGNOS METRICS MANAGER SOFTWARE LICENSES
7. **RESOLUTION** - 58TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$1,831,900 FOR THE ACQUISITION OF KRONOS WORKFORCE CENTRAL SOFTWARE AND COGNOS METRICS MANAGER SOFTWARE AND ASSOCIATED IMPLEMENTATION AND HARDWARE COSTS (*Failed adoption due to the need for 5 affirmative votes*)

Councilmember Duncan made a motion to approve staff's recommendation. City Manager Souza thanked Council for their time spent on the matter and everyone else involved including the RFP Evaluation Committee, spoke to the history of the issue and gave an overview of the matter, all as contained in the staff report as submitted; Fleet Manager Hunt spoke to how the fleet division has used the time and activity reporting; and Facilities Manager Major spoke in support of the matter on behalf of the Labor Management Task Force.

Speaking in support of the issue and/or to their experience with time and activity tracking were: employees Max Sharits, Fleet mechanic, Jesse Robles, Fleet light equipment mechanic, Jack Wong, Fleet Management/police department maintenance section, and Art Penson, Fleet light equipment technician (**4 - 0**); and Barbara Hunt, 2475 S. Walnut. Alex Correa, FCEA, stated the letter to Council from the Labor Management Task Force indicating the task force voted to support the purchase and implementation of the T&A software was incorrect and explained; stated there were a lot of unknowns and questions posed still had not been answered and explained; and stated their major issue was implementation, the implementation was now a meet and confer process as terms and conditions of employment were being changed, and to this date they had not received a response from the City to their written request for a meet and confer and a meeting to address their concerns.

Extensive discussion ensued. Councilmember Calhoun stated he hoped his comments would not be taken as "off the cuff" comments, thanked all involved for all the work that went into this, stated Fleet might be making the case that things can be done in-house in an innovative way without having to purchase "some super wiz-bang system", and read his comments and reasons for opposing the matter into the record citing the City's financial challenges.

145-201

6/7/05

Councilmember Perea seconded the motion on the floor, stated it had been interesting to watch this matter evolve and noted the unions were now neutral instead of opposed, stated he felt this software had the potential to do some good things, and encouraged staff to continue to work with individual labor units on the implementation aspect stressing it was imperative they do so in order for the system to work as effectively as stated.

Councilmember Duncan stated Councilmember Calhoun's comments on fiscal challenges made the case on why this should move forward as this would save the city money, thanked the employees who spoke to their experience, and upon his request Mr. Souza expressed and explained his disappointment with Mr. Correa's task force comments stating this was the first he had heard about that, and clarified other comments made relative to Fleet's system and why it could not be expanded city-wide, Culver City "dumping" Kronos, the return on the investment, and why PeopleSoft cannot do this. Councilmember Duncan stressed the City had to do this and the tools were needed for efficient performance, to prevent lay-offs, and to mitigate future fiscal challenges; upon his question Mr. Souza stated Council would be updated on the implementation; and Councilmember Duncan urged support stating he hoped the impact and benefit to the City and the taxpayers would be looked at. Mr. Souza clarified issues relative to the numbers and how the software would be financed.

Discussion continued with Councilmember Boyajian speaking to the issue and elaborating on his concerns and reasons for opposing (**5 - 0**) this matter at length. Chief Information Officer Hendricks responded to some of Councilmember Boyajian's comments and/or clarified issues including his involvement in the project, the use of PeopleSoft, the RFP, and the "Fleet Anywhere" system and it being great for fleet. Councilmember Westerlund spoke to the issue at length and explained his reasons for supporting staff's recommendation, and Councilmember Sterling spoke to the issue at length and stating her opposition citing the city's fiscal challenges and numerous needs and the need to look at in-house systems, with Mr. Souza responding and clarifying issues. Councilmember Boyajian emphasized millions more than the \$1.8 million would be needed to implement the system, the city already had systems that failed citing the Hansen application, PeopleSoft was not being used at 70%, this was a waste of taxpayer money, and the implications and what the system would do were unknown. Mr. Hendricks responded briefly to questions of Councilmember Westerlund on the Hansen application used by DPU, with Councilmember Westerlund stressing this T&A system was completely different from current applications. President Dages spoke to the issue, to the need for the system, and to his experience with T&A and stated it would save the City money.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, Items #1 through #6 as outlined above hereby approved subject to appropriation of funds, and the above entitled Resolution (#7) failed adoption, by the following vote:

Ayes :	Duncan, Perea, Westerlund, Dages
Noes :	Boyajian, Calhoun, Sterling
Absent :	None

Upon question, City Attorney Montoy clarified Items #1 - #6 were approved *subject to the appropriation of funds* and funds would have to be appropriated either this fiscal year or through the adoption of the FY 06 budget.

LUNCH RECESS - 12:30 P.M. - 2:02 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1-G) APPROVE CONTRACTS WITH THE FRESNO CENTER FOR NEW AMERICANS (FCNA) AND THE LAO FAMILY COMMUNITY OF FRESNO, INC. (LFCF) TO CARRY OUT ENGLISH LITERACY ACTIVITIES FOR RESETTLED REFUGEES AS APPROVED BY COUNCIL

Management Analyst Zieba advised the Fresno Center for New Americans had an outstanding \$25.00 tax issue due to inadvertent error, stated the City could not contract with any agency that was in arrears with the State, and recommended approval contingent upon FCNA resolving their tax issue within 90 days.

On motion of President Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the contract with the Lao Family Community of Fresno, Inc. (LFCF) to carry out English literacy activities for resettled refugees hereby approved, and the contract with the Fresno Center for New Americans (FCNA) approved, contingent upon FCNA resolving their tax issue with the State of California within 90 days, by the following vote:

145-2026/7/05

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

(1-W) ACCEPTING A FEDERAL HIGHWAY ADMINISTRATION GRANT IN THE AMOUNT OF \$500,000 TO BE USED FOR THE OPERATION AND MAINTENANCE COSTS OF THE CITY'S TRAFFIC OPERATIONS CENTER (TOC)
1. RESOLUTION NO. 2005-194 - 92ND AMENDMENT TO AAR 2004-209 APPROPRIATING \$500,000 TO BE USED FOR THE TOC

Councilmember Calhoun spoke to the issue at length expressing concern and presenting questions relative to the millions of dollars already spent on the TOC, inability to fully implement the system due to lack of manpower, when qualified staff would be hired, **(6 - 0)** dollar amount put into the TOC the last ten years, if hardware/software was in place, percentage of the TOC's ability currently being used, what the \$500,000 would provide for, what to tell constituents about synchronization progress, if other cities had a similar TOC and if they were working, and request for a report on the status of the TOC and plans, with Assistant Public Works Director Kirn clarifying issues and responding to questions throughout, including one from Councilmember Westerlund relative to what was needed to activate the system.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Federal Highway Administration Grant in the amount of \$500,000 hereby accepted, and the above entitled Resolution No. 2005-194 hereby adopted by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

(1-BB) RESOLUTION NO. 2005-195 - APPROVING THE APPLICATION FOR AND ACCEPTANCE OF SAFE ROUTE TO SCHOOL GRANT FUNDS

Assistant Public Works Director Kirn responded to questions of Councilmembers Boyajian and Calhoun relative to what the criteria was for selection, how projects are initiated, if there would be more funding in the future for this program, and traffic signal timing for pedestrians and vehicles.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-195 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

(10:00 A.M. #2) HEARING ON CHANGE OF SERVICES FOR COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 73, TRACT 5137
1. RESOLUTION NO. 2005-196 - AUTHORIZING THE LEVY OF AN AMENDED SPECIAL TAX AND SETTING AN

AMENDED APPROPRIATIONS LIMIT

2. RESOLUTION NO. 2005-197 - CALLING A SPECIAL MAILED-BALLOT ELECTION**3. RESOLUTION NO. 2005-198 - DECLARING ELECTION RESULTS****4. RESOLUTION NO. 2005-199 - CHANGING THE MAXIMUM SPECIAL TAX****5. BILL NO. B-51- ORDINANCE NO. 2005-52 - AMENDING AND MODIFYING ORDINANCE 2004-82 AND LEVYING AN AMENDED SPECIAL TAX FOR PROPERTY TAX YEAR 2005-06 AND FUTURE TAX YEARS**

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn reviewed the issue as contained in the staff report and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the tax amount.

145-203**6/7/05**

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-196, 2005-197, 2005-198 and 2005-199 hereby adopted, and the above entitled Bill No. B-51 adopted as Ordinance No. 2005-52, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

(10:15 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 91, FINAL TRACT MAP NO. 5310

1. RESOLUTION NO. 2005-200 - ANNEXING TERRITORY**2. RESOLUTION NO. 2005-201 - CALLING A SPECIAL MAILED-BALLOT ELECTION****3. RESOLUTION NO. 2005-202 - DECLARING ELECTION RESULTS****4. BILL NO. B-52 - ORDINANCE NO. 2005-53 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-06 AND FUTURE TAX YEARS****5. RESOLUTION NO. 2005-203 - APPROVING THE FINAL MAP OF TRACT NO. 5310, S. ARMSTRONG BETWEEN E. KINGS CANYON AND E. BUTLER AVENUES, ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS**

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn reviewed the issue as contained in the staff report and recommended approval, along with Tract Map 5310 (#5).

Upon call, no one wished to be heard and President Dages closed the hearing.

A motion to approve staff's recommendation was made and acted upon after Mr. Kirn responded briefly to questions of President Dages relative to why the tax was so high compared to others and what type of landscaping was involved.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-200, 2005-201, 2005-202 hereby adopted, and the above entitled Bill No. B-52 adopted as Ordinance No. 2005-53, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

On motion of President Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-203 hereby adopted; the public works director authorized to execute the Subdivision Agreement, the Statement of Covenants Affecting Land Development for Landscape and Non-Standard Concrete Paving Maintenance, and the Statement of Covenants Affecting

Land Development for Temporary Storm Drainage Facilities; the public utilities director authorized to execute the Statement of Covenants Affecting Land Development Providing Special Solid Waste Disposal Services for Certain Lots; the planning and development director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the Time of Issuance of Certificate of Occupancy and Creation of Lien, and the Statement of Covenants Affecting Land Development to Provide the Five Percent Open Space Required by the Roosevelt Community Plan; and the fire chief authorized to execute the Statement of Covenants Affecting Land Development Requiring Fire Protection Measures to be Provided and Maintained for Certain Lots, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(10:20 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 92, FINAL TRACT MAP NO. 5396

145-204

6/7/05

- 1. RESOLUTION NO. 2005-204** - DIRECTING PREPARATION OF A MODIFIED REPORT ANALYZING IMPACT OF PROPOSED CHANGE OF SERVICES AND INCREASE IN PROBABLE SPECIAL TAX FOR PROPOSED MODIFICATION TO RESOLUTION NO. 2005-141
- 2. RESOLUTION NO. 2005-205** - RECEIVING AND APPROVING THE MODIFIED DISTRICT REPORT AND MODIFYING RESOLUTION NO. 2005-141
- 3. RESOLUTION NO. 2005-206** - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
- 4. RESOLUTION NO. 2005-207** - CALLING A SPECIAL MAILED BALLOT ELECTION
- 5. RESOLUTION NO. 2005-208** - DECLARING ELECTION RESULTS
- 6. BILL NO. B-53 - ORDINANCE NO. 2005-54** - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-06 AND FUTURE TAX YEARS

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, stated homeowners should vote on the tax.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Mr. Kirn and Senior Engineering Technician Paff responded to questions and comments of Councilmember Calhoun relative how the price was set for additional shared landscaping, if staff completed their review of past districts's tax amounts, and what the reason was for landscaping on one tract that staff was not aware of. Councilmember Calhoun explained he had been opposing these on a philosophical basis (lack of a staff report on CFDs and LLMDs), stated he was now comfortable supporting these after the public works director explained where staff was going, and commended staff for applying the microscope and ensuring homeowners would eventually be paying their fair share and made a motion to approve staff's recommendation

Discussion continued with Mr. Kirn and City Attorney Montoy responding to questions and/or comments of Councilmembers Duncan and Westerlund and or clarifying issues relative to whether the new rates would allow for monthly maintenance or maintenance 3-4 times a year, how homeowners will know the frequency of service, request for information on schedules and frequency of service, and concern with lack of a description of services included in the staff report (with staff advising where that information was contained).

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2005-204, 2005-205, 2005-206, 2005-207 and 2005-208 hereby adopted, and the above entitled Bill No. B-53 adopted as Ordinance No. 2005-54, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(10:25 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 93, FINAL TRACT MAP

NO. 5141

1. RESOLUTION NO. 2005-209 - ANNEXING TERRITORY

2. RESOLUTION NO. 2005-210 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2005-211 - DECLARING ELECTION RESULTS

4. BILL NO. B-54 - ORDINANCE NO. 2005-55 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-06 AND FUTURE TAX YEARS

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn gave an overview of the issue as contained in the staff report as submitted and advised the high tax amount was due to the significant frontage on Veteran's Boulevard.

Barbara Hunt, 2475 S. Walnut, expressed concern with these morning-timed items being heard so late.

Upon call, no one else wished to be heard and President Dages closed the hearing.

145-205

6/7/05

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-209, 2005-210 and 2005-211 hereby adopted, and the above entitled Bill No. B-54 adopted as Ordinance No. 2005-55, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(10:30 A.M.) HEARING ON THE VACATION OF A PORTION OF TUOLUMNE STREET BETWEEN THE BROADWAY-FULTON ALLEY AND FULTON STREET - R.I. 1040-D

1. RESOLUTION NO. 2005-212 - APPROVING THE VACATION AND RESERVING A PUBLIC UTILITY EASEMENT OVER THE ENTIRE AREA TO BE VACATED

President Dages announced the time had arrived to consider the issue and opened the hearing. Supervising Engineering Technician Polsgrove gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition to the vacation, with Councilmember Sterling clarifying no closing of streets would occur.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-212 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. FRESNO AIRPORT PUBLIC SAFETY SUPERVISORS (FAPSS)
2. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)
3. INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 39

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) V. CITY OF FRESNO, ET AL. (SPALDING WATHEN, REAL PARTY IN INTEREST)
2. CITY OF FRESNO V. MANUAL ERNEST CHAVOYA, III, DOLLAR RENT-A-CAR, PRIME LABOR, INC., AND DOES 1 - 25

(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) V. CITY OF FRESNO, ET AL., (FANCHER CREEK, REAL PARTY IN INTEREST)

The City Council met in closed session in Room 2125 at the hour of 3:00 p.m. to consider the above matters and reconvened in regular open session at 4:33 p.m.

(10:45 A.M.) WORKSHOP ON IMPLEMENTATION AND USE OF TRAFFIC SIGNAL IMPACT FEES AND IMPLEMENTATION OF NEW COMMUNITY FACILITIES DISTRICTS - PRESIDENT DAGES

(7 - 0) Assistant Public Works Director Kirn gave an overview of the issue as contained in the staff report as submitted. President Dages expressed his support for the requirement that developers install signals as part of their projects stating that was a giant leap forward and explained. Mr. Kirn commended the BIA for their participation and input.

145-206

6/7/05

Speaking to the issue were: Attorney Greg Sanders representing the Building Industry Association (BIA), who stated it was important to the industry to have annual updates; and Barbara Hunt, 2475 S. Walnut.

Discussion ensued with Mr. Kirn responding to questions and/or comments of Councilmembers Duncan and Boyajian and President Dages relative to staff's plan for signal installation and if needs will be completed by 2025, if staff still felt \$150+ million would take care of the needs, the priority list and expectations, number of annual installations and planned time table for the installations, funding source, if the priority list would be changing, and what basis was used for determining points. There was no further discussion.

(2:30 P.M.) AUTHORIZE THE DIRECTOR OF AVIATION TO NEGOTIATE, ACCEPT AND SIGN THE TRANSPORTATION SERVICES AGREEMENT WITH FRONTIER AIRLINES AS NOTED IN THE DOT 2003 SMALL COMMUNITY AIR SERVICE GRANT

Director of Aviation Widmar and Marketing & Air Service Manager Miller gave an overview of the issue and spoke to what Frontier Airlines was, the grant, deal points, and what staff was requesting of Council this date.

Councilmember Perea commended staff for their work to expand air service and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Boyajian who also commended staff.

Mr. Widmar responded to questions/comments of Councilmember Calhoun relative to the matching funds requirement, Frontier and Mexicana Airlines serving vacation areas, if Salt Lake City was a port of entry, and his interest in the port of entry issue.

Ellington Jordan spoke to the issue and in support.

Assistant City Manager Ruiz echoed comments made in appreciation of staff and added his thanks on a job well done. Councilmember Duncan also commended staff, stated what was really making this happen -- besides staff's hard work -- was the grant, and spoke to the subsidy, this being a great opportunity, and urged people to fill up seats and increase airport traffic. Mr. Widmar responded briefly to questions of Councilmember Sterling relative to employment opportunities and if this would count towards the Regional Jobs Initiative.

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the Director of Aviation authorized to negotiate, accept and sign the transportation services agreement with Frontier Airlines on behalf of the City, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(3:00 P.M.) WORKSHOP ON TIMING OF CONSTRUCTION OF REQUIRED PUBLIC IMPROVEMENTS FOR VARIOUS LAND

USE ENTITLEMENT APPLICATIONS

(8 - 0) City Attorney Montoy recommended, in the interest of saving time, that the workshop be continued one week as resolutions would have to be brought back to Council, whereupon a determination was made to continue with the workshop.

Assistant Public Works Director Kirn gave an overview of the issue as contained in the staff report as submitted and thanked the BIA for their involvement and support.

Mike Prandini, Building Industry Association (BIA), spoke to the issue and urged Council to move forward.

Mr. Kirn responded to questions of Councilmember Boyajian relative to requiring full road buildout, fee methodology/how fees were determined, if other cities were looked at, and timing of infrastructure. Councilmembers Calhoun commended staff and spoke briefly to the need to punish bad behavior. Councilmember Duncan commended staff and expressed his support, noted this workshop came about due to Patriot Homes choosing not to finish infrastructure in a district 6 project, and presented questions relative to whether a tract map would help with the situation on Friant Road and Copper, with Mr. Kirn responding. President Dages also commended staff and the BIA and spoke briefly to developers who did not complete parks/work in his district and stated it seemed like problems were caused by out of town developers. There was no further discussion.

145-207

6/7/05

(3:30 P.M.) WORKSHOP ON SAN JOAQUIN AIR POLLUTION SMART GROWTH - COUNCILMEMBER BOYAJIAN

Paul Marquez, Caltrans District 6 Office, and Georgiena Vivien, Vice President of VRPA Technologies, lead consultant on the project, presented the workshop which included Caltrans' involvement in the growth response study, the study conducted, and the major purpose of the study.

Councilmembers Boyajian, Duncan and Westerlund commented on the issue and/or presented questions relative to whether the modeling tools would be able determine infrastructure needs, cost and project economics, if the tools were complete, if it was the hope that other municipalities would participate in this, if any agencies have implemented these tools, if the tools have been offered to agencies, the light rail corridor option and if the model took cost into consideration, if the model took the increase in hybrid vehicles into consideration, data updates/changes, if the city of Fresno will use this tool, why Clovis was not involved, the significance of population/growth rate projections, what factors are taken into consideration, **(9 - 0)** and the change in factors, with Ms. Vivien and Planning & Development Director Yovino responding to throughout.

Speaking to the issue were: Gloria Torrez who spoke to the need for better transportation and expressed concern with bigger plans when the city is not taking care of its current needs; Brunette Harris, who concurred with Ms. Torrez' comments and added Council was supposed to represent the people in the community; Wesley Flowers who expressed concern with an application submitted by Dirk Poeschel on August 11, 2004, stating his project was not expected to result in any significant adverse environmental effects; and Barbara Hunt, 2475 S. Walnut, who expressed concern with the lack of water for growth.

There was no further discussion.

(4:00 P.M.) HEARING ON REZONE APPLICATION NO. R-04-105 AND ENVIRONMENTAL FINDINGS FILED BY RALPH SIDUR, PROPERTY LOCATED ON THE NORTH SIDE OF E. OLIVE BETWEEN N. NINTH AND N. ELEVENTH STREETS IN COUNCIL DISTRICT 7

1. CONSIDER AND ADOPT E.A. NO. R-04-105/TPM-2004-40, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR

2. BILL NO. B-55 - ORDINANCE NO. 2005-56 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A TO R-1

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

Councilmember Perea stated this was a good project and he had received no complaints and made a motion to approve staff's recommendation.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-105/TPM No. 2004-40, dated March 29, 2005, that the project proposal conforms to the provisions of the 2025 General Plan Master EIR hereby approved, and the above entitled Bill No. B-55 rezoning the subject property adopted as Ordinance No. 2005-56, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(4:05 P.M.) HEARING ON REZONE APPLICATION NO. R-05-05 AND ENVIRONMENTAL FINDINGS, FILED BY R.W. GREENWOOD ASSOCIATES, INC., ON BEHALF OF PAUL DiTOMASO, PROPERTY LOCATED ON THE WEST SIDE OF N. BRAWLEY JUST SOUTH OF THE W. GETTYSBURG AVENUE ALIGNMENT BETWEEN W. ASHLAN AND W. SHAW AVENUES IN COUNCIL DISTRICT 1

1. CONSIDER AND ADOPT E.A. NO. R-05-05/TPM-2004-38, FINDING OF CONFORMITY TO THE GENERAL PLAN MASTER EIR

145-208

6/7/05

2. RESOLUTION NO. 2005-213 - APPROVING THE STREET ALIGNMENT AND WIDTH OF A PROPOSED PUBLIC STREET WITHIN THE BOUNDARIES OF VESTING TENTATIVE PARCEL MAP NO. 2004-38

3. BILL NO. B-56 - ORDINANCE NO. 2005-57 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM M - 3 TO M - 1

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Mark Greenwood, 2558 E. Olive, representing the applicant and owner, requested approval stating this was a good project and would bring the property into conformance.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Boyajian stated this was a good project but he could not support it as Caltrans fees were not being paid, with Mr. Bernal responding.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-05/TPM-2004-38, dated February 28, 2005, that the project proposal conforms to the provisions of the 2025 General Plan Master EIR hereby approved, the above entitled Resolution No. 2005-213 hereby approved, and the above entitled Bill No. B-56 rezoning the property adopted as Ordinance No. 2005-57, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None

(4:10 P.M.) HEARING ON REZONE APPLICATION NO. R-04-87 AND ENVIRONMENTAL FINDINGS, FILED BY SPENCER ENTERPRISES, PROPERTY LOCATED ON THE EAST SIDE OF S. CLOVIS AVENUE BETWEEN E. GROVE AND E. BYRD AVENUES IN COUNCIL DISTRICT 5

1. CONSIDER AND ADOPT E.A. NO. R-04-87/T-5376, FINDING OF CONFORMITY TO THE 2025 GENERAL PLAN MASTER EIR

2. BILL NO. B-57 - ORDINANCE NO. 2005-58 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20 TO R-1

President Dages announced the time had arrived to consider the issue and opened the hearing. Planning Manager Unruh gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, expressed concern with street directional designations.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Mr. Unruh and City Manager Souza responded to questions of President Dages relative to whether a traffic signal was planned for Clovis & Grove and when the area would receive bus service.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding of E.A. No. R-04-87/T-5376, dated October 28, 2004, that the project conforms to the provisions of the 2025 General Plan Master EIR hereby approved, and the above entitled Bill No. B-57 rezoning the subject property adopted as Ordinance No. 2005-58, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

(4:15 P.M.) HEARING ON REZONE APPLICATION NO. R-04-90 AND ENVIRONMENTAL FINDINGS FILED BY THE KENNEDY FAMILY TRUST, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF GOLDEN STATE BOULEVARD AND MARKET STREET IN COUNCIL DISTRICT 2

1. CONSIDER AND ADOPT E.A. NO. R-04-90, FINDING OF CONFORMITY TO THE 2025 GENERAL PLAN MASTER EIR

145-209

6/7/05

2. BILL NO. B-58 - ORDINANCE NO. 2005-59 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-1-C TO C-6

President Dages announced the time had arrived to consider the issue and opened the hearing. Planning Manager Unruh gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-90, dated March 31, 2005, that the project proposal conforms to the provisions of the 2025 General Plan Master EIR hereby approved, and the above entitled Bill No. B-58 rezoning the subject property adopted as Ordinance No. 2005-59, subject to the three (3) conditions outlined in the staff report, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

(4:20 P.M.) HEARING ON REZONE APPLICATION NO. R-04-76 AND ENVIRONMENTAL FINDING, FILED BY DOUG OLIVER, PROPERTY LOCATED ON THE NORTH SIDE OF E. OLIVE BETWEEN N. MILLBROOK AND N. EIGHTH STREET IN COUNCIL DISTRICT 7

1. CONSIDER AND ADOPT E.A. NO. R-04-76/TPM-2004-26, FINDING OF CONFORMITY TO THE 2025 GENERAL PLAN MASTER EIR

2. BILL NO. B-59 - ORDINANCE NO. 2005-60 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A TO R-1

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Tackett gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-76/TPM 2004-26, dated February 11, 2005, that the project proposal conforms to the provisions of the 2025 General Plan Master EIR hereby approved, and the above entitled Bill No. B-59 rezoning the subject property adopted as Ordinance No. 2005-60, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(4:25 P.M.) HEARING ON REZONE APPLICATION NO. R-04-22 AND ENVIRONMENTAL FINDINGS, FLED BY CIAO PROPERTIES, LLC, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. GRANTLAND AND W. SHAW AVENUES IN COUNCIL DISTRICT 2

1. CONSIDER AND ADOPT E.A. NO. R-04-22, FINDING OF CONFORMITY TO THE 2025 GENERAL PLAN MASTER EIR

2. **BILL NO. B-60 - ORDINANCE NO. 2005-61** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO C-3/UGM/cz

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Braun gave an overview of the issue, all as contained in the staff report as submitted, clarified at this point this was simply a rezoning and there was no proposal for any development of the property, and recommended approval.

Dirk Poeschel, representing the applicant and property owners, stated he agreed with staff's recommendation and conditions, advised Caltrans did not ask for fees at this time as they realize this is the first step in the development process, added when the property is developed to commercial a CUP will be required and required studies would then be prepared, and requested approval.

145-210

6/7/05

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Calhoun stated this had the potential for being a very nice development in a growing area, reiterated this was the first step and as the project moves forward Council would be hearing more about it, and presented questions relative to activity centers staff is looking at, how this squares with what potentially might happen to the city further west, expanding the rezoning, and if a multi-use concept such as Fancher Creek was possible for this site, with Planning and Development Yovino responding. Councilmember Calhoun made a motion to approve staff's recommendation.

Mr. Yovino and Mr. Poeschel responded to comments and questions of Councilmember Boyajian relative to his support for including concerns of committee members in the staff report, opposition to piecemeal development in the west area, hope that staff is looking at a plan to help with infrastructure in the area and having developers pay their way, the plan being for the larger area, if the applicant was willing to talk with Caltrans on fees, if the applicant would conduct their own traffic study, if development impacts would be looked at, if the study would cover more than just this area, if this project might be one of the first that will require a master plan for the area, and how many acres the master plan would cover.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-22, dated March 14, 2005, that the project proposal conforms to the provisions of the 2025 General Plan Master EIR hereby approved, and the above entitled Bill No. B-60 rezoning the project area adopted as Ordinance No. 2005-61, subject to the two (2) conditions outlined in the staff report, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(4:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed their meeting at 6:56 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF MAY 10 AND 17, 2005

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the Agency minutes of May 10 and 17, 2005, approved as submitted.

(A) CONTINUED HEARING TO CONSIDER APPROVAL OF THE FIVE YEAR REDEVELOPMENT IMPLEMENTATION PLANS FOR THE MERGER NO. 1, MERGER NO. 2 AND FRESNO AIR TERMINAL REDEVELOPMENT PROJECT AREAS

1. AGENCY RESOLUTION NO. 1661 - APPROVING THE PROPOSED UPDATED FIVE-YEAR IMPLEMENTATION PLANS FOR THE MERGER NO. 1 PROJECT (CENTRAL BUSINESS DISTRICT, CHINATOWN EXPANDED, CONVENTION CENTER, FULTON, JEFFERSON, MARIPOSA, SOUTH VAN NESS INDUSTRIAL, WEST FRESNO I, WEST FRESNO II, AND WEST FRESNO III), THE MERGER NO. 2 PROJECT (FRUIT/CHURCH AND SOUTHWEST FRESNO GNRA), AND THE FRESNO AIR TERMINAL REDEVELOPMENT PROJECT AREA

Chair Boyajian announced the time had arrived to consider the issue and opened the hearing.

Councilmember Sterling noted the H.E.A.T. Foundation submitted written information to Council, a copy of which is on file in the office of the city clerk, **(10-0)** and addressed their requests at length, stated her office was trying to be a good steward to district 3 constituents and elaborated on district needs that were being addressed, and advised she was supportive of the Five Year Implementation Plan but emphasized she did not want pocket parks built without restrooms as the district deserved better than that.

Upon question of Chair Boyajian, City Attorney Montoy clarified the purpose of the hearing this date was to consider adoption of the plans as required by Redevelopment Law, and clarified no specific projects, eminent domain or City/RDA expenditures were being approved this date. Upon further question, Ms. Montoy clarified the plans could not be modified and this was not the forum to appeal the HOPE VI or any other project.

Redevelopment Project Manager Freeman gave an overview of the plans, all as contained in the staff report as submitted, and recommended approval, Executive Director Murphey added the plan was broad and general in nature and was meant to guide implementation, and spoke further to the Merger I, II and FATRA areas, funding, and expected tax increment

145-211

6/7/05

Chair Boyajian opened public testimony and clarified parameters were explained and reiterated this was not the time to talk about, or appeal, any projects.

Speaking to the issue were: W. Ross Tate, 2318 S. Walnut, who began speaking to his opposition to future eminent domain whereupon Chair Boyajian reminded the parameters were clarified and this was not the time to speak to eminent domain or certain projects, and Councilmember Sterling stated her office would contact Mr. Tate for a meeting; Barbara Hunt, 2475 S. Walnut, who spoke the Merger II and Airport plans; Brunette Harris, who spoke to Councilmember Sterling's earlier comments and stated the Hope VI project was permissible to talk about this date as it was included in the paperwork; Margie Haymon, who spoke in opposition to the mergers stating west Fresno's money was being taken away; Wesley Flowers, who expressed various concerns and refuted Councilmember Sterling's comments, with Chair Boyajian and Councilmember Sterling responding; and Joseph Kitchen, 6 E. Lemon, Edison/Merger 2 Citizens Advisory Committee member, who spoke to meetings held, support for the plans, and requested City/RDA staff continue to meet with the community.

Upon call, no one else wished to be heard and Chair Boyajian closed the hearing.

Councilmember Calhoun stated this was a good plan and along with Chair Boyajian commented on the plan and/or presented questions relative to the "2 for 1" alternative for meeting housing production obligation, if that had ever been done before and if it would allow for flexibility, the ELS Plan and lack of progress on the Fulton Mall, request that opening the mall to vehicles not be ignored in this plan, the ELS study also presenting ideas on how to improve and keep the mall, need to resolve the Cherta Farms issue, **(11-0)** status of the former Cornerstone Church, the Forest City exclusive negotiating agreement (ENA) and when that ENA is up and when that matter would be back before the joint bodies, and the Court of Appeals project for the Armenian Town area, with Ms. Murphey responding throughout.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Agency Resolution No. 1661 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian
Noes	:	None
Absent	:	None

ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 7:50 p.m. having arrived and hearing no objections, Chair Boyajian declared the meeting adjourned.

APPROVED on the __14th__ day of ____June_____, 2005.

_____/s/_____
Tom Boyajian, Agency Chairman

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk